

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 QUIWANECA SPIKES,

Case No.: 2:24-cv-00457-APG-DJA

4 Plaintiff

Order

5 v.

6 CCDC, et al.,

7 Defendants

8

9 Plaintiff Quiwaneca Spikes brings this civil-rights action under 42 U.S.C. § 1983 to redress

10 constitutional violations that she claims she suffered while incarcerated at Clark County Detention

11 Center. ECF No. 8. On January 16, 2025, I ordered Spikes to file an amended complaint by February

12 20, 2025. ECF No. 6. I warned Spikes that the action could be dismissed if she failed to file an

13 amended complaint by that deadline. *Id.* at 10, 13. Spikes requested and received an extension of

14 that deadline to March 20, 2025. ECF No. 9. That deadline expired and Spikes did not file an

15 amended complaint, move for another extension, or otherwise respond.

16 District courts have the inherent power to control their dockets and “[i]n the exercise of that

17 power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson*

18 *v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an

19 action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*,

20 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule

21 requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Serv.*, 833 F.2d

22 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order). In determining

23 whether to dismiss an action on one of these grounds, I must consider: (1) the public’s interest in

expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice

1 to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
2 availability of less drastic alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d
3 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

4 The first two factors, the public’s interest in expeditiously resolving this litigation and the
5 court’s interest in managing its docket, weigh in favor of dismissal of Spikes’ claims. The third
6 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
7 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
8 prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
9 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by the
10 factors favoring dismissal.

11 The fifth factor requires me to consider whether less drastic alternatives can be used to
12 correct the party’s failure that brought about the court’s need to consider dismissal. *See Yourish v.*
13 *Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
14 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*
15 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive force
16 of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives prior to
17 disobedience of the court’s order as satisfying this element[.]” *i.e.*, like the “initial granting of leave
18 to amend coupled with the warning of dismissal for failure to comply[.]” have been “eroded” by
19 *Yourish*). Courts “need not exhaust every sanction short of dismissal before finally dismissing a
20 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421,
21 1424 (9th Cir. 1986). Because this action cannot realistically proceed until and unless Spikes files an
22 amended complaint, the only alternative is to enter another order setting another deadline. But the
23 reality of repeating an ignored order is that it often only delays the inevitable and squanders the
court’s finite resources. The circumstances here do not indicate that this case will be an exception:
there is no hint that Spikes needs additional time or evidence that she did not receive the screening

1 order. Setting another deadline is not a meaningful alternative given these circumstances. So the
2 fifth factor favors dismissal.

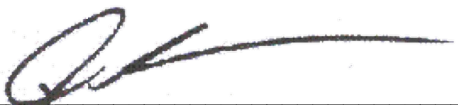
3 Having thoroughly considered these dismissal factors, I find that they weigh in favor of
4 dismissal.

5 I THEREFORE ORDER that this action is dismissed without prejudice based on Spikes'
6 failure to file an amended complaint and for failure to state a claim or as frivolous. The Clerk of
7 Court is kindly requested to enter judgment accordingly and close this case. No other documents
8 may be filed in this now-closed case. If Spikes wishes to pursue her claims, she must file a
9 complaint in a new case.

10 I FURTHER ORDER that Spikes' application to proceed in forma pauperis (**ECF No. 1**) is
11 **granted**. Spikes is not required to pay an initial installment fee, but the full \$350 filing fee will still
12 be paid in installments under 28 U.S.C. § 1915.

13 I FURTHER ORDER that, under 28 U.S.C. § 1915, the Nevada Department of Corrections
14 will forward payments from the account of Quiwaneca Spikes, #1101769 to the Clerk of the United
15 States District Court, District of Nevada, at a rate of 20% of the preceding month's deposits (in
16 months that the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action.
17 The Clerk of Court is kindly requested to send a copy of this order to the Finance Division of the
18 Clerk's Office and to the Chief of Inmate Services for the Nevada Department of Corrections at
19 formapauperis@doc.nv.gov.

20 Dated: April 1, 2025

21 
22 _____
23 Chief United States District Judge